

AN ACT

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RELATING TO THE CHILDREN'S CODE; CLARIFYING A MEMBER OF THE CLERGY'S
DUTY TO REPORT CHILD ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-4-3 NMSA 1978 (being Laws 1993, Chapter 77,
Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD
NEGLECT--RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR
NEGLECT--PENALTY.--

A. Every person, including a licensed physician; a resident or an intern
examining, attending or treating a child; a law enforcement officer; a judge presiding
during a proceeding; a registered nurse; a visiting nurse; a schoolteacher; a school
official; a social worker acting in an official capacity; or a member of the clergy who has
information that is not privileged as a matter of law, who knows or has a reasonable
suspicion that a child is an abused or a neglected child shall report the matter
immediately to:

- (1) a local law enforcement agency;
- (2) the department office in the county where the child resides;

or

(3) a tribal law enforcement or social services agency for any
Indian child residing in Indian country.

B. A law enforcement agency receiving the report shall immediately
transmit the facts of the report and the name, address and phone number of the

reporter by telephone to the department office in the county where the child resides and shall transmit the same information in writing within forty-eight hours. A department office receiving a report shall immediately transmit the facts of the report and the name, address and phone number of the reporter by telephone to a local law enforcement agency and shall transmit the same information in writing within forty-eight hours. The written report shall contain the names and addresses of the child and the child's parents, guardian or custodian, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person responsible for the injuries. The written report shall be submitted upon a standardized form agreed to by the law enforcement agency and the department.

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C. The recipient of a report under Subsection A of this section shall take immediate steps to ensure prompt investigation of the report. The investigation shall ensure that immediate steps are taken to protect the health or welfare of the alleged abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect. A local law enforcement agency is responsible for investigating reports of alleged child abuse or neglect at schools, daycare facilities or child care facilities.

D. If the child alleged to be abused or neglected is in the care or control of or in a facility administratively connected to the department, the report shall be investigated by local law enforcement. The investigation shall ensure that immediate steps are taken to protect the health or welfare of the alleged abused or neglected child, as well as that of any other child under the same care who may be in

danger of abuse or neglect.

E. A law enforcement agency or the department shall have access to any of the records pertaining to a child abuse or neglect case maintained by any of the persons enumerated in Subsection A of this section, except as otherwise provided in the Abuse and Neglect Act.

F. A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, ~~2007~~ ²⁰⁰⁸.